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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

**STANFORD HOSPITAL & CLINICS and
LUCILE PACKARD CHILDREN'S
HOSPITAL**

Petitioners,

v.

**SERVICE EMPLOYEES
INTERNATIONAL UNION, LOCAL 715**

Respondent.

Case No: C-07-5158-MMC

**PETITIONERS' REPLY TO
RESPONDENT'S COUNTER-
CLAIM**

Judge: Hon. Maxine M. Chesney

Petitioners Stanford Hospital & Clinics and Lucile Packard Children's Hospital (collectively the "Hospitals") hereby submit their Reply to the "Answer Of Respondent Service Employees International Union, Local 715 To Petition To Vacate Arbitration Award" (the "Answer"). This Reply is filed pursuant to Federal Rules of Civil Procedure 7(a) and 12(a)(2) on the grounds that the Answer contains a prayer that the Court enter an order confirming the Award of Arbitrator Paul D. Staudohar issued on July 2, 2007, which prayer may be construed as a counterclaim or counter-petition against the Hospitals.¹

¹ Although the Hospitals are filing this Reply in order to preserve their rights, it is not appropriate for Respondent to request affirmative relief in its Answer without denominating such as a counterclaim or counter-petition, and, therefore, Respondent's request for affirmative relief should be disregarded as invalid.

1 The Hospitals hereby admit, deny, and aver as follows:

- 2 1. The Hospitals deny each and every averment contained in Respondent's first
3 affirmative defense.
- 4 2. The Hospitals deny each and every averment contained in Respondent's second
5 affirmative defense.
- 6 3. The Hospitals deny each and every averment contained in Respondent's third
7 affirmative defense.
- 8 4. To the extent that the Union's Answer requests affirmative relief and could be
9 construed as a counterclaim or counter-petition to enforce the arbitrator's award,
10 the Hospitals deny that any such relief would be appropriate.
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13 WHEREFORE, to the extent that Respondent's Answer could be construed as a
14 counterclaim or counter-petition to enforce the Arbitrator Staudohar's July 2, 2007 award, the
15 Hospitals pray for the following:

- 16 1. That this Court dismiss such counterclaim or cross-petition with prejudice, that all
17 relief requested in Respondent's Prayer for Relief be denied;
- 18 2. That the Hospitals be granted the relief requested in their Petition to Vacate
19 Arbitration Award on the grounds stated in the Petition; and
- 20 3. That this Court award such other and further relief that this Court deems proper.
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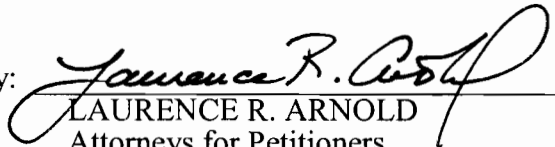
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1 Dated: November 16, 2007

2 FOLEY & LARDNER LLP
3 LAURENCE R. ARNOLD
4 SCOTT P. INCIARDI

5 By: 
6 LAURENCE R. ARNOLD
7 Attorneys for Petitioners
8 Stanford Hospital & Clinics and Lucile
9 Packard Children's Hospital
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